No.



200400074

## HHE UNIVERD STRAYES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

LETERS. THERE HAS BEEN PRESENTED TO THE

## Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A FART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE ASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS I SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT. IDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT AGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 MENDED, 7 U.S.C. 2321 ET SEQ.)

### SOYBEAN

'95M80'

In Testimone Therest, I have hereunto set my hand and caused the seal of the Plant Bariety Protection Office to be affixed at the City of Washington, D.C. this tenth day of September, in the year two thousand and four.

Allest:

Commissioner Plant Variety Protection Office Agricultural Marketing Service of Agriculture

 $\Delta$  nnendix 2. 10/768.42

PAGE 12/25 \* RCVD AT 8/31/2005 11:47:40 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/24 \* DNIS:27/38/300 \* CSID:515/334/6883 \* DURATION (mm-ss):07-22"

	U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MATERIAND RETWING SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (Instructions and information collection burden statement on regards)			The Approved - Quick to the Physics of					
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#### **INSTRUCTIONS**

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed addition A.B. C. E. (3) for a seed reproduced variety at least 2,500 wishin unrested seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sonse that it will reproduce an entire plant) lissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 lifting fee and \$2,385 extentionality fee), poyable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Bestwille, MD 20705-2351. <u>Retain pne convior your files.</u> All items on the least of the application are self explanatory unless matter below. Corrections on the application form and exhibits must be inflated and dated. DO NOT use making infalinate to make corrections. If a cortificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate, Cardificates will be igneed to owner, not known on a gent. 2004 00 074

Plant Variety Protection Office
Telephona: (201) 504-5518
FAX: (201) 504-5291
Homepage: http://www.ams.usda.gov/actence/pvpo/pvp.htm

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- (1) the geneatogy, including public and commencial varieties, thes, or clones used, and the breeding method;
  (2) the details of subsequent stages of selection and multiplication;
  (3) evidence of uniformity and stability; and
  (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is must similar to one variety or a group of related varieties:

  - (1) Idonity these varieties and state all differences objectively;
    (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
    (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate dialinchess.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, auch as plant habit, plant color, disease resistance, erc.
- 18e, Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownerable. An Exhibit E form is available from the PVPO.
- ed of this variety be cold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the continents issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
- 21. See Section 83 of the Act for the Contents and Term of Plant Variety Protection.
- 22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
- 23. Soo Section 5.5 of the Act for instructions on claiming the banetit of an earlier filting date.
- 21. CONTINUED FROM FROM (Please provide a statement as to the limitation and sequence of generations that may be certified.)
- 22. CONTRIVED FROM FRONT (Pipese provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)
- 21. CONTINUED FROM FRONT (Please give the country, date of flong or issuence, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right. (Plant Breeder's Right or Palers).)
- U.S. Patent 4,940,635 issued to Shah et al. as per the Roundup Ready Gene in this variety

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of eny changes of address or change of ownership or essignment or owner's representative during the life of the application/certificate. There is no charge for filling a change of address. The fee for filling a change of ownership or any modification of owner's mame is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA. Room 213. Building 306, Bellsville Agricultural Respensive Center—East, Beltsville, MD, 20705. Telephone: (301) 504-6089.

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57-470 (04-01) designed by the Phasi Variety Prosection Office with WordPerfect 6.0s., Reptaces 57-470 (03-99) which is observed.

....J. Ct.

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#### Exhibit A. Origin and Breeding History of the Variety

Soybean Variety 95M80

Variety 95M80 evolved from a cross made in the summer of 1997 in Mississippi with the following parentage:

Parentage: 95833/Y854D

YB54D = A5979/90773

90773 # P9584/90688

90688 = A4715/G40-3P9392\*

\*G40-3P9392 is an experimental line with the Roundup Ready (40-3-2) gene

Variety 95M80 is an F3-derived line which was advanced to the F3 generation by modified single-seed descent. The F3 progeny row of 93M11 was grown in a progeny row yield trial the winter of 1999/2000 in Argentina. Subsequently, 95M80 has undergone five years of extensive testing and purification and has been observed by the breeder to be uniform and stable for all plant traits from generation to generation, with no evidence of variants. On the basis of yield, resistance to Race 3 Soybean Cyst Nematode, and resistance to Roundup labeled herbicides, variety 95M80 was assigned a commercial number.

The purification block was grown during the summer of 2001 in Arkansas and 71 sublines were harvested. An approximate one-fifth (0.2) acre increase was grown in Argentina in the winter of 2001/2002. Eighteen (18) acres of parent seedstock (foundation seed equivalent) were grown in 2002 and 745 acres of seedstock and production seed were grown in the summer of 2003.

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### Exhibit B. Statement of Distinctness

Soybean Variety 95M80

Variety 95M80 is most similar to variety 95B97. Both varieties have purple flowers, imperfect black hila, gray pubescence, and resistance to Race 3 Soybean Cyst Nematode. However, 95M80 is resistance Roundup branded herbicides whereas 95B97 is susceptible to Roundup branded herbicides.

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isce a zero is the first box (e.g. 9 unestitutive  last characters chould be based as a mini- leritenium i Society or any recognized on lease suswer all questions for your variety  A. MORPHOLOGY  Seed Shape  1	mass of 100 plasts.  llar standard may be tyr lack of response m  ratios < 1.2)  ratio < 1.2)  2 = Green  2 = Shiny	Comparative data share delay progress of the CLOW rate of the Elon (L/F rate of the Elon (L/F rate of the Elon of	when another is citi outh to determined and colors; designate your application.  erical - Flattened tio > 1.2; L/T ra igate - Flattened io > 1.2; T/W rat	tio < 1.2)  5 = Other (Please S	9 or less respective	ly. Data for

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2004 00 074 A. MORPHOLOGY (Continued) Cotyleden Color: 1 = Yellow 2 = Green Seed Protein Peroxidase Activity: 2 1 = Low 2 - High Hypocotyl Color: 1 = Green 2 = Green with Bronze 3 = Light Purple 4 = Dark Purple extending to 3 ('Evans' or 'Davis') unifoliolate leaves Bands below Cotyledons below Cotyledons ('Beeson' or 'Pickett 71') ('Hodgson', 'Coker', or ('Woodworth' or 'Tracy') Leaflet Shape: 3 4 = Other (Please Specify) 1 = Lanceolate 2 = Ovsl 3 - Ovate Flower Color: 2 1 = White 2 = Purple 3 = White with a Purple Throat Pod Color: 1 2 - Brown 3 -Black Pubescence Color: 1 2 = Brown (Tawny) Plant Habit: 1 1 = Determinate 2 = Semi - Determinate 3 = Indeterminate 4 = Intermediate Maturity Group: 08 1 - 0004-1 5 **--** II 6 = III 7 - IV 8 = V 9 = VT 10 = VII11 - VIII 12 - IX 13 - X 14=XI 15 = XII Maturity Subgroup: Please enter a value from 0 - 9 **B. DISEASE REACTION** 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant Bacterial 0 Bacterial Pustule (Xanthomonas campestri pv. glycines (Nakano) Dyc) 1 Batterial Blight Pseudomonas syringa pv. glycinea (Coerper) Young, Dyc, and Wilkie) 0 Wildfire Blight Pseudomonas springa pv. tabaci (Wolf Foster) Young, Dye, Wilde) ST-470-2 (07-01) dosigned by the Plant Variety Protection Office with Word 2000. Replaces ST-470-2 (02-99) which is obsolete. Page 2 of 6

					2004	00 07 4
. DISEA	SE REACTIO	ON <i>(Continued)</i>	0 = Not Tested	1 = Susceptibl	2 = Resistant	3 = Tolerant
Fungal						
1	Brown Spot (Se	eptoria glycincsBem	ருப்)			
	Frogeye Leaf Sp	oot (Cercospora soj	ina Ĥara)	لستسا		-
0	race I	О гаее	2	O race 3	ı	O race 4
0	race 5	, D race	6	0 Othe	(Please Specify)	
0	Target Spot (Co	orynaspora cassiicol	g (Berk. ,Curt.) We			
0	Downey Mildew	(Perenospera trifel	lorum var. manchur	ie (Naum.) Syd. c	r Glum)	
0	Powdery Mildew	(Microsphaera dif	fusa Cke. and Pk.)			
0	Brown Stem Rot	t (Phiálophora grej	gata (Allington Ch	ımberlain) W. Ga	ns.)	
2	Stem Canker (Z	Diaporthe phaseolor	um (Cke. and Eil.)	Sacc. var caulivon	z Atbow and Cali	iwell
1	Pod and Stem BE	light <i>(Diaportke pl</i>	haseolorum (Clic. 11	id RU.) Sacc. var :	ojae (Lehman) W	'ehm
Ō	Purple Seed State	in ( <i>Cercespore k</i> i	kuchū (T. Matso. s	nd Tomoyasu) Ga	rdener)	
	Dhimodonia Dav	st Rot <i>(Rhizocton</i> i	- colord Witho			
ئــا			· .			
	thera Root Rot (i	Phytophthera mega	<del></del>		a Erwin))	
0	race 1	0 race 8	0 rate 1		race 22	
0	race Z	0 race 9	O race 1		race 23	
1	race 3	0 race 10	0 rare 1	, 0	race 24	
0	race 4	0 race 11	O race 1	8 1	race 25	
0	race 5	0 race 12	0 race 1	9 0	race 26	
0	race 6	0 race 13	0 race20		Other (Please S	pecify)
1	race 7	0 race 14	O race 2	1	L	
1	Bud Blight (Tob	acco Ringspot Vira	ra)			
$\widetilde{1}$	Yellow Mosale (I	bean Yellow Mosai	c Virus)			
¥70-2 (07-0	l) designed by the Plan	nt Variety Protestion Offi	ce with Word 2000. Repl	aces ST-470-2 (02-99)	which is obsolute.	Page 3 of 6

	2004 00 07 4
B. DIS	EASE REACTIONS (Continued) 9 - Not Tested 1 - Susceptible 1 - Resistant 3 - Tolerant
Fung	
1	Cowpea Mosaic (Cowpea Chlorotic Virus)
1	Pod Mottle (Bean Pod Mottle Virus)
1	Seed Mottle (Soybean Mosaic Virus)
Nema	tode
Soybe	ean Cyst Nematode (Heterodera glycines Ichinohe)
0	race i 0 race 4 0 race 9
0	race 2 1 race 5 0 race 14
2	race 3 O race 6 Other (Please Specify)
0	Lance Nematode (Hoploaimus columbus Sher)
Ó.	Southern Raot Knot Nematod (Meloidogyne Incognita (Kofold and White) Chitwo
0	Northern Root Knot Nematod (Meloldogyne hapla Chitwood)
0	Pennst Root Knot Nematode (Meloidogune orenaria (Neal) Chitwood)
0	Reniform Nematode (Rospienchus reniformu Linwood and Olivera)
0	Javanese Nematode (Melolilogyne javanico (Trenb) Chitwood)
<u></u>	Other Nematode (Please Specify)
	J Gast 1-tableder (Frede Specty)
C. PH	YSIOLOGICAL RESPONSES 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant
1	iron Chierosis en Calcarcous Seil
. 0	Phosphorus Other (Please Specify)
0	Boron
0	Alumim
0	] Salt
0	Draught
10	1

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). INSECT REACTIONS	0 = Not Tested	I - Sittebübre	2 = Keststant	
Fungal				
O Mexican Bean Beetle (Epilach	na varivestis Mulsant)			
O Potato Leaf Hopper (Empoase	4 fabue (Harris))			
Other (Please Specify)				
E. HERBICIDE REACTIONS	0 = Not Tested	1 = Susceptible	2 = Resistant	
0 Metribuzin				
Bentazone				
1 Sulfonylures				
2 Glyphosate				
0 Glufosinate				
O Pendimethalin				
Other (Please Specify)				
F. TRANSGENIC COMPOSITIO	N			
Has the development of the subject variet or, the removal of genetic material from t	y included the insertion ( he application variety?	of genetic material	learga ar cacoro	n other than a soybean,
If yes, please complete the following info	••	ditional pages if ne	ccssary.	,
I. Please state the vector's name:				
2. Please state the vector components:				
3. Please describe the genetic material su	ecessfully transferred in	to the subject varie	ty:	
4. Please describe the insertion protocol:				
<ul> <li>A literature citation(s) explaining the the "Transgenie Composition" portion of details of the vector components and inseal. Development, Identification, and Cha</li> </ul>	e four information reque this form. This section of elements are summark	is fully addressed i zed in Figure 1 and	n the following p Table 1 on page	ublication. Specific 1453. Padgette, S.R. et
G. BIOCHEMICAL MARKERS	·			
Please describe any biochemical informat (e.g. Simple Sequences Repeats, Restriction pages if necessary.	ion here, which you beli on Fragment Length Pol	eve will be belpful i ymarphisms, Isozyi	n further describ nic Characteriza	ing the subject variety tion). Use additional

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H. COMMENTS

ST-470-2 (07-01) designed by the Plant Variety Protection Office with Word 2000. Replaces ST-470-2 (02-99) which is obsolete. Page 6 of 6

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## Exhibit D. Additional Description of the Variety

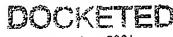
Soybean Variety 95M80

In Exhibit C we have identified variety 95M80 as susceptible to bacterial blight, brown spot, pod and stem blight, rhizoctonia mot rot, bud blight, yellow mosaic, cowpea mosaic, pod mottle and seed mottle.

This does not mean that variety 95M80 is any worse for these problems than other varieties of similar maturity. Rather, we do not consider 95M80 to be immune to these problems. Therefore, we have chosen to be conservative and have identified the line as "susceptible".

Variety 95M80 is a late Group 5 variety. If Group 5 varieties are divided into tenths, the relative maturity of 95M80 is 5.8.

PRODUCE LOCALLY, Include form number and edition date on a U.S. DEPARTMENT OF AGRICULTURE	The following statements are made to	ORM APPROVED - OMB No. 0581-00: n accordance with the Privacy Act of	
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EXHIBIT E STATEMENT OF THE BASIS OF OWNERSHIP	Application is required in order to determine if a plant variety protection conflicate is to be issued (7 U.S.C. 2421). The information is held conflicental until the conflicate is issued (7 U.S.C. 2426).		
	2, TEMPORARY CESIGNATION	12. VARIETY NAME	
I. NAME OF APPLICANT(S)	OR EXPERIMENTAL NUMBER		
Plonear Hi-Bred International, Inc		95M80	
4. ADDRESS (Street and Ro., or R.F.D. Mo., City. Statu, and ZIP, and Courty)	5. TELEPHONE (Inches area code)	G, FAX (Inchele and code)	
7203 N.W. 62 <sup>M</sup> Averuse P.O. Bos 1004	\$15-254-2636	515-253-2478	
und and , 21 Sprzi-rood	7. PVPO NUMBER 200	4 00 074	
8: Does the applicant own all rights to the variety? Mark an " $X^{\alpha}$ in the ino, please explain.	ne appropriate block.	X YES N	
9. Is the applicant (individual or company) a U.S. National or a U.S If no, give name of country	, based company?	XYES N	
10. Is the applicant the original owner?	If no, please arrawer one of the fo	stowing:	
——————————————————————————————————————	•		
a. If the original rights to variety were owned by individual(s), is	s (are) the original corner(\$) a U.S. Natio	naK377	
THE WEST STORY HE	nême		
YES NO If no, give name of cour			
b. If the original rights to variety were owned by a company(in	s), is (are) the original owner(s) a U.S. b	азоф сотрану?	
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YES NO If no, give name of cour  11. Additional explanation on containing (if needed, use the revers			
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11. Additional explanation on containing (if needed, use the revers		·	
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11. Additional explanation on containing (if needed, use the revers	process) who meet the following criteria:	al of a UPOV member country, or	
Please Note:	carbons) who meet the following criteria: at person must be a U.S., rational, nation at of the U.S. for the carne genus and sp	al of a t/POV member country, or scles.	
Please Note:  Plant variety protection can only be afforded to the owners (not lice national of a country which affords similar protection to retional of a country which affords similar protection to retional of a country which affords similar protection to retional of a UPCV member country, or owned by nationals of gonus and species.	consects) who meet the following criteria: at person must be a U.S., national, nation a of the U.S. for the came genus and sp ployed the original breeder(s), the comps a country which affords similar protection	al of a UPOV member country, or occurs of the same in to nationals of the U.S. for the same	
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FEB 05 3004

ATCC

FEB 0 2 2004

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The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer HI-Bred International, Inc.

Attn: Steve Callistein 7100 NW 62<sup>nd</sup> Avenue

PO BOX 1000

Johnston, Iowa 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

January 15, 2004

Scientific Description

Depositor's Reference C. ノゲニンノゲニ

**Patent Deposit Designation** 

Soybean Seed, Seed Source Z3PCA11015-00-0035 95M80

1817

ΡΤΑ-5779

#### The ATCC understands that:

- The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
- If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested January 19, 2004 and were viable.

American Type Culture Collection

Marie Harris, Patent Specialist ATCC Patent Depository

Date: January 30, 2004

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